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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,558	11/18/2002	Paul S. Lafata	TRM TR990031	4488

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EXAMINER

LUK, EMMANUEL S

ART UNIT PAPER NUMBER

1722

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,558

Applicant(s)

LAFATA ET AL.

Examiner

Emmanuel S. Luk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/6/2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly amended claims 1 and 18, discusses the first gate design mold member having an orifice with dimensions different from the dimensions of the second gate design mold member orifice. While applicants have given pages in the specification of where support is to be found, there is no support in the specification for the concept of differences in the dimensions of the orifice of the gate designs.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 2, 3, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepler (5334006).

Hepler teaches the claimed invention having a mold (12) with an edge gate (Col. 5, lines 6-12) and interchangeable tip of the sprue bushing (10). The tip (39) containing the edge gates being interchangeable (Col. 6, lines 4-10), thereby the gates being interchangeable. The cavity located between the first and second mold sections, the second mold section having a recess (28) that allows for the gate design mold member to be insertable (Fig. 2). It can be seen in the Figures that the orifices are of different dimensions between the first gate design and the second gate design.

Hepler fails to teach threaded fasteners to attach the gate to the first or second mold member.

The intended use of the invention for producing articles with pigments is located in the preamble. The preamble containing intended use does not limit the claim unless it recites 'essential structure or steps' and gives 'life, meaning, and validity' to the claims. *Intirtool, Ltd v. Texar Corp.* (2004 U.S. App. LEXIS 9055).

Hepler already teaches the first and second gate designs mold members are attachable to the bushing via threaded fasteners with the different numbers of gates leaving the tip with different gate sizes (see Fig. 9 and Fig. 10). It would have been obvious to one ordinary skill in the art to further attach the gate to the mold member to secure it within the recess.

The interchangeable tips (and gates) as taught by Hepler would have been obvious to one of ordinary skill in the art to recognize first and second gates that are interchangeable placed on the apparatus.

In regards to claims 10-17, these are intended use of the materials for the apparatus and do not have any structural limitations.

6. Claims 18-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Hepler (5334006).

Hepler teaches the claimed invention having a mold (12) with an edge gate (Col. 5, lines 6-12) and interchangeable tip of the sprue bushing (10). The tip (39) containing the edge gates being interchangeable (Col. 6, lines 4-10), thereby the gates being interchangeable. The cavity located between the first and second mold sections, the second mold section having a recess (28) that allows for the gate design mold member to be insertable (Fig. 2). The process of operating the invention is the same as the claimed method. It can be seen in the Figures that the orifices are of different dimensions between the first gate design and the second gate design.

Hepler fails to teach a second gate design and attaching the gate to the first or second mold member.

The intended use of the invention for producing articles with pigments is located in the preamble. The preamble containing intended use does not limit the claim unless it recites 'essential structure or steps' and gives 'life, meaning, and validity' to the claims. *Intirtool, Ltd v. Texar Corp.* (2004 U.S. App. LEXIS 9055).

Hepler already teaches the first and second gate designs mold members are attachable to the bushing via threaded fasteners with the different numbers of gates leaving the tip with different gate sizes (see Fig. 9 and Fig. 10). It would have been obvious to one ordinary skill in the art to further attach the gate to the mold member to secure it within the recess.

Hepler already teaches the first and second gate designs mold members are attachable to the bushing via threaded fasteners. It would have been obvious to one ordinary skill in the art to further attach the gate to the mold member to secure it within the recess.

In regards to claims 24 and 25, the first and second gate designs mold members are attachable to the bushing via threaded fasteners.

Response to Arguments

7. Applicant's arguments with respect to the rejection(s) of claim(s) 1-25 under Hepler (5334006) have been fully considered but are not persuasive.

Hepler teaches the claimed invention does teach an interchangeable gate design that is attached to place as cavity gates. Regardless of the multicavity feature that applicants have emphasized, the ability for interchangeable gate parts is taught. The reason for pigments of plastic used for the apparatus is an intended use and does not further provide further structural limitations.

The applicants argue that Hepler does not teach the removably attachable gate inserts with different designs and that the sprue bushing is related to the injection portion of the molding machine and not the mold itself. That the first and second gate designs that are interchangeable with the mold are important to the polymer flows through the gates by selectively control the filling pattern for the mold.

In Hepler, the interchangeable tip to the sprue bushing contains various designs as seen in the figures. The applicants concerning the first and second gate designs with the orifices, here as seen in Figure 9 and 10 of Hepler, one can see the different gate designs along with the change in the size. Therefore, Hepler does direct to orifices with different dimensions on the interchangeable gates as can be seen in the figures.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

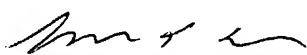
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 7 to 4 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ben Utech can be reached on (571) 272-1137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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